



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,986	07/03/2003	Jarmo Kuusinen	088245-0194	4362
23524 7590 04/17/2008 FOLEY & LARDNER LLP 150 EAST GILMAN STREET P.O. BOX 1497 MADISON, WI 53701-1497				
EXAMINER				
HASHEM, LISA				
ART UNIT		PAPER NUMBER		
2614				
MAIL DATE		DELIVERY MODE		
04/17/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/613,986

Applicant(s)

KUUSINEN ET AL.

Examiner

LISA HASHEM

Art Unit

2614

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-8 and 11-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 2, 14-26 is/are allowed.
- 6) ☒ Claim(s) 11-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. In view of Applicant's remarks in the After Final Amendment filed on March 10, 2008, PROSECUTION IS HEREBY REOPENED. A non-final action is set forth below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,466,550 by Foster et al, hereinafter Foster.

Regarding claim 11, Foster discloses a method for identifying an active terminal (i.e. conference set of an active speaker) of a plurality of terminals (Fig. 5, 22; conference sets) participating in a conference call:

sending a first data packet (i.e. RTP packet; output packet) from a first terminal (Fig. 9, 194; Fig. 3, 22) participating in a conference call to a conference call server (i.e. endpoint transceiver of first terminal; transceiver is a stand-alone unit; Fig. 5, 112; Fig. 9, 170; col. 3, lines 16-20; col. 5, lines 39-47), wherein the first data packet includes background noise information (i.e. local side-tone path; Fig. 9, 160; col. 10, lines 1-6; col. 10, lines 37-40) (i.e. the conference set sends output packets used as local side-tone path) and an identifier (i.e. SSRC identifier, indicating source of RTP packet) associated with the first terminal (col. 6, lines 8-67);

receiving a second data packet (i.e. RTP packet; col. 6, lines 8-67) from the conference call server (Fig. 9, 170; Fig. 9, 196) at the first terminal (Fig. 9, 194; Fig. 3, 22), wherein the second data packet includes the background noise information (Fig. 9, 160; col. 10, lines 1-6; col. 10, lines 37-40) mixed with voice data (i.e. talk stream) from a second terminal (Fig. 3: 22, 62) participating in the conference call and an active terminal identifier (i.e. SSRC identifier indicating source of RTP packet) associated with the second terminal (col. 10, lines 16-44); and presenting the active terminal identifier (i.e. SSRC) and an indicator (i.e. vertical bar showing when each speaker speaks; Fig. 6: 'A's view) at the first terminal, wherein the indicator (i.e. sender 'C') indicates that the second terminal (Fig. 3: 22, 62; sender 'C' user of second terminal) sent the voice data to the conference call server (i.e. transceiver; Fig. 9, 170; col. 3, lines 16-20) (col. 7, line 30 – col. 8, line 3).

Regarding claim 12, a method of claim 11, wherein Foster discloses the conference call is based on the Real-time Transport Protocol (RTP) (col. 6, lines 8-67).

Regarding claim 13, a method of claim 12, wherein Foster discloses the first data packet and the second data packet are RTP packets (col. 6, lines 8-67).

Allowable Subject Matter

4. The following is a statement of reasons for the indication of allowable subject matter: upon close review of the claims, the prior art, and applicant's remarks it appears that the allowance of claims 1, 2, 4-8, and 14-26 are appropriate.

The prior art of Foster does not disclose '...a conference call server determining, based on the received data packets, if any of the terminals participating in the conference call are currently providing voice data, and if so, identifying each of the terminals currently providing

voice data...' as in claim 1; '...decoding a first data packet with voice data and determining that the first data packet includes voice data...' as in claim 14; and '...decoding a received stream of RTP packets from a plurality of terminals to extract background noise information and any voice data and determining if the decoded stream includes any voice data...' as in claim 22.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form.
6. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LISA HASHEM whose telephone number is (571)272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Fan Tsang/
Supervisory Patent Examiner, Art Unit 2614

/Lisa Hashem/
Examiner, Art Unit 2614
April 11, 2008